

# In The United States Patent and Trademark Office

Appl. Number: 09/978,215  
Appl. Filed: MAY 20 2002 10/15/01  
Applicant: Luis J. Rodriguez  
Title: Self Sealing Forms  
Examiner Name/GAU: Stephen P. Garbe / 3727



## AFFIDAVIT 3

Pursuant to 37 CDR 1.132, this Affidavit is respectfully submitted as evidence of the conventional meaning of the word 'correspondence', which is playing a crucial role in this examination, as the Examiner's perception of this word differs from that intended in the application. In any event, the meaning of the word intended in the specification does not depart from its conventional plain English meaning, and it is fully supported by it

Accordingly, applicant respectfully request to traverse rejection of any claim based on a citation of any envelope or any patent or document describing an envelope, because contrary to Examiner's assertion, an envelope is NOT encompassed by the definition of correspondence. Much less in the context of this application and for all the purposes of this prosecution, as NO envelopes are disclosed or claimed in this application.

In addition to the dictionary definitions provided, examples submitted, and other arguments in **Amendment A** of this application, applicant conducted a simple survey among 10 persons, about correspondence and about envelopes.

- The survey was orally conducted and consisted of three questions.
- The second question was asked after the first question was answered.
- The third question was asked after the second question was answered.
- None of the participants knew what the purpose of the survey was.
- None of the participants has any vested interest in the invention.
- None of the participants has any knowledge of the invention.
- None of the participants has any knowledge of the patent application.

These were the questions and respective answers:

**FIRST QUESTION: *What is correspondence?***

8 participants defined correspondence in terms to the effect of “communication, letters, mail”. (2 participants elaborated and included telephone communication and e-mail communication)

**SECOND QUESTION: *What is a typical form of correspondence?***

(In the case of the 2 participants that elaborated, and included “telephone communication and e-mail communication, the question was tailored to: What is a typical form of written communication, excluding e-mail?

8 persons answered ‘a letter’ 1 person answered ‘advertising’, 1 person answered ‘mail’.

**THIRD QUESTION: *Is an envelope by itself a piece of correspondence?***

10 persons answered “No”

Additionally to the 10 surveyed participants, one person was disqualified from questions 2 and 3, since this person defined correspondence as “belonging, when something belongs to you”, and could not offer an alternate definition.

In consistence with all dictionaries and references consulted and cited in **Amendment A**, the definition provided in the application, fully supported by its specification and drawings, the unanimous result of the survey further proves that an envelope alone is not a piece of correspondence, and it is not an appropriate reference against a “self sealing form”.

It is further stated that even if a person would inaccurately consider an envelope to be encompassed by the term ‘correspondence’ clearly that is not the meaning within the context

of the application, as NO envelope is disclosed by the application, and a self sealing form is a letter or a written message that covers itself and that requires NO envelope.

Accordingly, rejection of claims 7, 11 and 12 on Schieman under §102(b) should be traversed.

Accordingly, rejection of claims 7-9, 11, 12, 14 and 15 on Schieman and Tissot under §103(a) should be traversed.

Accordingly, rejection of amended claims 1, 7, 11 and 17 submitted by fax on 03/26/02 should be traversed.

*I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any application, any patent issuing thereon, or any patent to which this verified statement is directed.*

Signed under the penalty of perjury on May 20, 2002

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